

REMARKS

Claims 9-16 are pending in this application. By this Amendment, claims 9 and 15 are amended. No new matter is added by these amendments. Support for these amendments can be found, *inter alia*, at page 6, lines 1-3, of the specification as filed. Reconsideration based upon the amendments and following remarks is respectfully requested.

I. §112 Rejection

The Office Action rejects claim 9 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The rejection is respectfully traversed.

The Office Action asserts that it is unclear what compound or compounds 5.0 to 50.0 mol% refers to. Specifically, the Office Action notes that Applicants disclosed in their specification that the dialuminum trioxide is in the amount of 5.0 to 50.0 mol% of the entire oxide phase, but asserts that the claim reads as if the oxide phase as well as the dialuminum trioxide are in the amount of 5.0 to 50.0 mol% of the oxide phase. Applicants respectfully submit that the claims as amended obviate the rejection.

Withdrawal of the rejection is respectfully requested.

II. The Claims Define Allowable Subject Matter

The Office Action rejects claims 9-16 under 35 U.S.C. §103(a) as being obvious over Tabuchi et al. (WO 2003/082770). The rejection is respectfully traversed.

Tabuchi was published on October 10, 2003. This falls after the earliest priority date, December 11, 2002, of the present application. A certified English translation of JP 2002-35912 to which the present application claims priority, is submitted herewith.

Accordingly, withdrawal of the rejection is respectfully requested.

III. Double Patenting Rejection

The Office Action provisionally rejects claims 9-14 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of copending Application No. 10/508,656 (U.S. Patent Application Publication No. 2005/0158534). The Office Action also rejects claims 9-15 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 11 and 12 of U.S. Patent No. 7,244,685. The rejections are respectfully traversed.

Applicants respectfully submit that Terminal Disclaimers filed herewith obviate the rejections. Withdrawal of the rejections is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

English Translation of JP 2002-35912
Terminal Disclaimers

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